

REMARKS

Claims 30 and 31 have been amended. Claims 13 - 31 are currently pending in the present application.

Claims 13 - 31 are currently pending in the present application.

In the Office Action, claim 24 is rejected under 35 U.S.C. §102(b) as being anticipated by Pettinari EP 0 722 070. Furthermore, in the Office Action, claims 13 - 19, 21 - 23, and 25 - 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Winkler US Patent Publication No. 2005/0106046 in view of US Patent No. 6,144,556 to Lanclos. Also, in the Office Action, claims 20 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Winkler US Patent Publication No. 2005/0106046 and US Patent No. 6,144,556 to Lanclos as applied to claim 13 and further in view of Yahraus US Patent No. 4,818,822. Furthermore, in the Office Action, claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pettinari EP 0 722 070 in view of Winkler US Patent Publication No. 2005/0106046 and US Patent No. 6,144,556 to Lanclos. Additionally, in the Office Action, claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pettinari EP 0 722 070 in view of Winkler US Patent Publication No. 2005/0106046 and US Patent No. 6,144,556 to Lanclos as applied to claim 29 and further in view of Yahraus US Patent No. 4,818,822. Also, in the Office Action, claim 31 is rejected under 35 U.S.C. §103(a) as being unpatentable over Winkler US Patent Publication No. 2005/0106046 in view of Yahraus US Patent No. 4,818,822.

Applicants respectfully traverse the rejection of claims 13 - 31 in view of the amendments of claims 30 and 31 and for the reasons set forth below.

The Present Invention

The present invention is directed to a ventilator housing and, in an exemplary embodiment recited, for example, in claim 13 of the present application, the ventilator housing is configured for installation in an extraction hood and for accommodating at least one ventilator. As recited in claim 13 of the present application, the ventilator

housing includes a housing front, a housing back and a sidewall arrangement interconnecting the housing front and the housing back to one another at a spacing from one another as viewed in a depth direction. The ventilator housing forms a channel through which air flows with the ventilator housing having an aperture through which air is drawn into the ventilator housing and another aperture through which air is blown out of the ventilator housing. The ventilator housing recited in claim 13 of the present application also includes at least one seat arrangement, the seat arrangement not forming a portion of the channel formed by the ventilator housing, whereupon air flowing through the channel does not flow in contact with said seat arrangement during its passage through the channel, and the seat arrangement including a plurality of retention devices for detachable retention on an outer peripheral surface of the seat arrangement of a plurality of technical components for operating the ventilator. The retention devices include a plurality of grooves for inserting the components and a plurality of clip elements for securing the components in the grooves. The grooves receive the components inserted therein such that the components are secured with at least a portion of each of the components extending in the depth direction between the housing front and the housing back outwardly of the sidewall arrangement.

The Rejection of Independent Claim 24 Under 35 U.S.C. §102(b)
as Being Anticipated by Pettinari EP 0 722 070

Claim 24 of the present application recites a ventilator housing for installation in an extraction hood, particularly in a flat extraction hood. The ventilator housing includes at least one of at least one condenser seat arrangement, at least one control board seat arrangement, at least one mains connection seat arrangement or at least one seat arrangement for a printed circuit board formed integrally with the ventilator housing.

Pettinari EP 0 722 070 discloses a motor-fan assembly 1 of a household hood and a recess 8 wherein electric componentry 7 to be connected to the hood's outside controls are located, including componentry 7a in the form of a circuit board (Fig. 2 of Pettinari EP 0 722 070).

The Office Action asserts that Pettinari EP 0 722 070 discloses a ventilator housing comprising at least one control board seat arrangement (8 and 7A) with at least

one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. However, it is submitted that claim 24 of the present application recites a ventilator that is neither taught nor disclosed by Pettinari EP 0 722 070. For example, Pettinari EP 0 722 070 does not disclose, as asserted by the Office Action, at least one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. Instead, the electronic componentry 7a in the form of a circuit board of Pettinari EP 0 722 070 is mounted in a hood front panel 20A, not a “seat arrangement.” For these and other reasons, Pettinari EP 0 722 070 does not anticipate under 35 U.S.C. §102(b) the subject matter defined by independent claim 24. It is therefore respectfully requested that the rejection of claim 24 under 35 U.S.C. §102(b) be withdrawn.

The Rejection of Claim 13 Under 35 U.S.C. §103(a) as Being Unpatentable
Over Winkler US Patent Publication No. 2005/0106046
in View of US Patent No. 6,144,556 to Lanclos

Winkler US 2005/0106046 discloses a double fan 20 having a lateral housing part 98. A circuit board 94 with its components 96 is located in the lateral housing part 98.

US Patent No. 6,144,556 to Lanclos discloses a heat dissipating housing 50 that includes a top 100, a first side panel 102, a second side panel 103, a bottom 200, a first end panel 300, a second end panel 400, and an axis 500. The first end panel 300 can be secured to a front edge 104 and a front edge 202 to provide a protective cover for an opening 304 in the housing 50. First end panel 300 can be installed by inserting screws through pre-punched holes 301 into screw holes 109 and 209. Circuit board slots 205 facilitate installation of various circuit boards 115 inside housing 50, these circuit board slots 205 preferably extend from back edge 203 to front edge 202 of bottom 200, and circuit boards 115 are installed within circuit board slots 205.

The Office Action asserts that Winkler US 2005/0106046 teaches a ventilator comprising a seat arrangement 98 with the seat arrangement 98 including a plurality of fixture devices 102 for the detachable fixture of a plurality of technical components 94 and 96 for operating the ventilator. The Office Action notes that Winkler US

2005/0106046 does not teach grooves and clips for securing the seat arrangement. Nonetheless, the Office Action asserts that Lanclos '556 teaches a ventilator housing wherein a retention device (200) includes a plurality of grooves for inserting a plurality of technical components and a plurality of clip elements in the form of screws 300 for securing the components in the grooves. According to the Office Action, it would be obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Lanclos '556 in order to provide increased air cooling of the technical components, thereby reducing their operating temperature and extending their life.

It is submitted that, in fact, it would not have been obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Lanclos '556. Winkler US 2005/0106046, for example, discloses a miniature fan 62 having an encapsulated structure in the configuration of its lateral housing part 98 in which electric components are located. A flexible conductor 92 extends from a circuit board 94 in the lateral housing part 98 to a circuit board 90 in another compartment of the fan 62. In contrast, Lanclos '556 is directed to a heat dissipating housing 50 for power amplifiers and the like. US Patent No. 6,144,556 to Lanclos is not related to the field of ventilators for a cooking appliance nor is it related to the field of housings or electrical components for such cooking appliance ventilators. Instead, US Patent No. 6,144,556 to Lanclos is directed to a heat dissipating housing for electronic circuits. Thus, a person of ordinary skill in the art would not be provided with any motivation to configure the micro fan arrangement of Winkler US Patent Application No. 2005/0106046 with the heat dissipating housing of US Patent No. 6,144,556 to Lanclos.

Moreover, even if one of skill in the art would have been motivated, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Lanclos '556, which Applicants submit would not have been the case, a combination of Winkler US 2005/0106046 and Lanclos '556 would still fail to yield the ventilator housing recited in claim 13 of the present application. For example, Lanclos '556 does not teach or disclose, as recited in claim 13, a seat arrangement that is isolated from the channel formed by the ventilator housing such that air flowing through

the channel does not flow in contact with the seat arrangement. Instead, Lanclos '556 discloses that the electronic circuits housed in its housing 50 are cooled by forcing cooling air through the housing in a serpentine manner before the cooling air exits the housing. Accordingly, it is submitted that a combination of Winkler US 2005/0106046 and Lanclos '556 would fail to yield the ventilator housing recited in claim 13 of the present application.

A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. §103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." *Id.* (quoting *W.L. Gore & Assocs. Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)). In view of the fact that the prior art, as discussed, fails to provide any hint or motivation for combining Winkler US 2005/0106046 and Lanclos '556, and in view of the fact that Winkler US 2005/0106046 and Lanclos '556 themselves lack the features of the ventilator housing of the present invention, it appears that only hindsight reasoning based upon the Applicants' own disclosure could be the basis for the suggested combination of Winkler US 2005/0106046 and Lanclos '556 and such hindsight reasoning is not permitted.

Upon evaluation of the combination of Winkler US 2005/0106046 and Lanclos '556 proposed by the Office Action, then, it is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claim 13 has not been established. It is therefore respectfully requested that the rejection of claim 13 under 35 U.S.C. §103(a) be withdrawn.

The Rejection of Claims 14 - 19, 21 - 23, and 25 - 27 Under 35 U.S.C. §103(a) as Being Unpatentable Over Winkler US Patent Publication No. 2005/0106046 in View of US Patent No. 6,144,556 to Lanclos

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 14, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 is constructed integrally with the ventilator housing 22. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 15, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 is arranged on the exterior of the ventilator housing 22 (fig. 3). However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 16, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 includes fixing means 102 for securing the technical components 94 and 96. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 17, the Office Action additionally

asserts that Winkler US 2005/0106046 further teaches a housing wherein the technical components 94 and 96 are secured in the seat arrangement 89 by positive 102 and non-positive (fig. 5) locking means. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 18, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 includes a cover closure element 100 and 142 for closing the seat arrangement 98. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 19, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement has at least one opening (fig. 3) to allow a cable 92 to pass therethrough. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 21, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing including at least one of a condenser, a mains connector, a printed circuit board 90 or at least one control board detachably secured to the seat arrangement 98. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the

rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 and, referring to claim 22, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing further comprising a plurality of at least one of channels, guides or retainers (fig. 3) for securing or passing through electrical wires 92 for connecting the technical components 94 and 96 to each other. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 but notes that Winkler US 2005/0106046 does not teach the use of the housing in an extraction hood. Nonetheless, referring to claim 23, the Office Action asserts that Lanclos '556 further teaches a housing wherein the ventilator housing (2) is provided for installation in an extraction hood, particularly in the suction channel or suction duct of said extraction hood (page 1, paragraph 1). However, even in the event that Lanclos '556 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

Claims 25 - 27, which depend ultimately from claim 13, recite various features of the ventilator housing relating to lateral grooves into which a circuit board can be inserted as well as the feature that the plurality of clip elements includes a positive locking element operable to resist withdrawal of a circuit board that has been inserted into a respective one of the lateral grooves. The Office Action asserts that Winkler US 2005/0106046 and Lanclos '556 teach all the limitations of claim 13 but notes that Winkler US 2005/0106046 does not teach the use of the housing in an extraction hood. Nonetheless, referring to claims 25, 26, and 27, the Office Action asserts that Lanclos

'556 further teaches a structure for multiple circuit boards if multiple circuit boards are required in a particular application. However, even in the event that Lanclos '556 teaches the above-noted feature, it is submitted that the rejections of claims 25, 26, and 27, each which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Lanclos '556.

It is therefore respectfully requested that the rejections of claims 14 - 19, 21 - 23, and 25 - 27 under 35 U.S.C. §103(a) be withdrawn.

The Rejection of Claim 29 Under 35 U.S.C. §103(a) as Being Unpatentable Over Pettinari EP 0 722 070 In View Of Winkler US Patent Publication No. 2005/0106046 And US Patent No. 6,144,556 to Lanclos

The Office Action asserts that Pettinari EP 0 722 070 teaches all the limitations of claim 24 (from which claim 29 depends) but notes that Pettinari EP 0 722 070 is silent as to how the technical components are secured in the seat arrangement. Nonetheless, according to the Office Action, Winkler US 2005/0106046 teaches a seat arrangement. According to the Office Action, it would be obvious to one of skill in the art, at the time of the invention, to modify the ventilator taught by Pettinari with the seat arrangement taught by Winkler US 2005/0106046 in order to protect the technical components from the damaging air flow.

Claim 29 recites that a respective one of the seat arrangements of the ventilator housing recited in independent claim 24 includes a plurality of retention devices for detachable retention on an outer peripheral surface of the seat arrangement of a plurality of technical components for operating the ventilator. The retention devices include a plurality of grooves for inserting the components and a plurality of clip elements for securing the components in the grooves. The grooves receive the components inserted therein such that the components are secured with at least a portion of each of the components extending in the depth direction between the housing front and the housing back outwardly of the sidewall arrangement.

It is submitted that, in fact, it would not have been obvious to one of skill in the art, at the time of the invention, to modify the ventilator taught by Pettinari with the seat

arrangement taught by Winkler US 2005/0106046. As noted, a critical step in analyzing the patentability of claims pursuant to 35 U.S.C. §103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. In view of the fact that the prior art, as discussed, fails to provide any hint or motivation for combining Pettinari EP 0 722 070 and Winkler US 2005/0106046, and in view of the fact that Winkler US 2005/0106046 and Pettinari EP 0 722 070 each disclose distinctly different arrangements, it appears that only hindsight reasoning based upon the Applicants' own disclosure could be the basis for the suggested combination of Pettinari EP 0 722 070 and Winkler US 2005/0106046 and such hindsight reasoning is not permitted. Likewise, in view of the fact that the prior art, as discussed, fails to provide any hint or motivation for combining Pettinari EP 0 722 070 and Lanclos '556, and in view of the fact that Pettinari EP 0 722 070 and Lanclos '556 each disclose distinctly different arrangements, it appears that only hindsight reasoning based upon the Applicants' own disclosure could be the basis for the suggested combination of Pettinari EP 0 722 070 and Lanclos '556 and such hindsight reasoning is not permitted.

Upon evaluation of the combination of Pettinari EP 0 722 070, Winkler US 2005/0106046, and Lanclos '556 proposed by the Office Action, then, it is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claim 29 has not been established. It is therefore respectfully requested that the rejection of claim 29 under 35 U.S.C. §103(a) be withdrawn.

The Rejection of Claim 20 Under 35 U.S.C. §103(a) as Being Unpatentable Over Winkler US Patent Publication No. 2005/0106046 in View of US Patent No. 6,144,556 to Lanclos As Applied to Claim 13 and Further in View of Yahraus US Patent No. 4,818,822

The Office Action asserts that Winkler US 2005/0106046 and US Patent No. 6,144,556 to Lanclos teach all the limitations of claim 13 but notes that neither Winkler US 2005/0106046 nor US Patent No. 6,144,556 to Lanclos teaches the use of a mechanism for strain relief of a cable. Nonetheless, referring to claim 20, the Office Action asserts that Yahraus US Patent No. 4,818,822 teaches a mechanism for strain relief of a cable (21). Continuing further, the Office Action asserts that it would be

obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US Patent Publication No. 2005/0106046 with the seat arrangement taught by Yahraus US Patent No. 4,818,822.

Yahraus US Patent No. 4,818,822 discloses a junction box with a sheathed power cable passing through the box and the junction box has a pair of sections 20 that are brought together in abutment to form two side wall and two end walls of the junction box.

It is submitted that the rejection of claim 20 as being unpatentable over Winkler US Patent Application No. 2005/0106046 and US Patent No. 6,144,556 to Lanclos as applied to claim 13 and further in view of Yahraus US Patent No. 4,818,822 under 35 U.S.C. §103(a) should also be withdrawn in view of the absence of a *prima facie* case as noted above of the combination of Winkler US Patent Application No. 2005/0106046 and US Patent No. 6,144,556 to Lanclos and in view of the failure of Yahraus US Patent No. 4,818,822 to overcome the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon the other two applied references.

It is also submitted that claim 20 of the present application patentably defines over the prior art of record, even if a *prima facie* case of obviousness under 35 U.S.C. §103(a) were to be established based upon the asserted combination of prior art references, which Applicants submit has not been established. For example, in accordance with the present invention, a cable is held firmly and prevented from twisting in the seat arrangement 2 when the closure element 6 closes the seat arrangement 2. It is submitted that Yahraus US Patent No. 4,818,822 does not teach a housing and cover arrangement such as the present invention wherein the closed cover (the closure element 6) cooperates with the housing to firmly grip the cable. Yahraus US Patent No. 4,818,822 is instead directed to a junction box with a sheathed power cable passing through the box and the junction box has a pair of sections 20 that are brought together in abutment to form two side wall and two end walls of the junction box. Even aside from the fact that Yahraus US Patent No. 4,818,822 is directed to a power cable junction box and, thus, one of skill in the art would not turn to a power cable junction box in seeking an improvement for a ventilator housing, the junction box of Yahraus US Patent No. 4,818,822 does not include a cover or closure element; instead, the pair of

sections 20 – each forming a respective side wall and a respective end wall – are fixedly secured to one another and neither section 20 operates as a cover or a closure.

It is therefore respectfully requested that the rejection of claim 20 under 35 U.S.C. §103(a) be withdrawn.

The Rejection of Claim 28 Under 35 U.S.C. §103(a) as Being Unpatentable Over Winkler US Patent Publication No. 2005/0106046 in View of US Patent No. 6,144,556 to Lanclos As Applied to Claim 13 and Further in View of Yahraus US Patent No. 4,818,822

The Office Action asserts that Winkler US 2005/0106046 and US Patent No. 6,144,556 to Lanclos teach all the limitations of claim 13 but notes that neither Winkler US 2005/0106046 nor US Patent No. 6,144,556 to Lanclos teaches the use of a mechanism for strain relief of a cable. Nonetheless, referring to claim 20, the Office Action asserts that Yahraus US Patent No. 4,818,822 teaches a mechanism for strain relief of a cable (21). Continuing further, the Office Action asserts that it would be obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US Patent Publication No. 2005/0106046 with the seat arrangement taught by Yahraus US Patent No. 4,818,822.

Claim 28 of the present application depends from dependent claim 20 which itself depends from independent claim 13 and claim 28 recites that the seat arrangement includes a housing and a cover element that is movable relative to the housing between an open position and a covering position and the mechanism for strain relief of a cable includes a first part on the housing and a second part on the cover element. As further recited in claim 28 of the present application, the first part on the housing and the second part on the cover element cooperate together in the covering position of the cover element to engage a cable extending therebetween to resist withdrawal of the cable out of the housing and to resist twisting of the cable. The first part on the housing, as recited in claim 28 of the present application, continuously applies a radially inward force on the cable relative to an axis of the cable and the second part on the cover element continuously applies a radially inward force on the cable in opposition to the radially inward force applied on the cable by the first part on the housing such that a

respective radial cross sectional portion of the cable is continuously radially inwardly deflected between the first part and the second part of the housing. By virtue of this arrangement, the opposed radially inward forces applied on the cable by the first part on the housing and the second part on the cover element resist strain on a portion of the cable to one side of the cover element that may result from an axial movement force applied on another portion of the cable on an opposite side of the cover element, and the opposed radially inward forces applied on the cable by the first part on the housing and the second part on the cover element resist twisting of the portion of the cable on the one side of the cover element that may result from an angular movement force applied on the another portion of the cable on the opposite side of the cover element.

It is submitted that the rejection of claim 28 as being unpatentable over Winkler US Patent Application No. 2005/0106046 and US Patent No. 6,144,556 to Lanclos as applied to claim 13 and further in view of Yahraus US Patent No. 4,818,822 under 35 U.S.C. §103(a) should also be withdrawn in view of the absence of a *prima facie* case as noted above of the combination of Winkler US Patent Application No. 2005/0106046 and US Patent No. 6,144,556 to Lanclos and in view of the failure of Yahraus US Patent No. 4,818,822 to overcome the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon the other two applied references.

It is also submitted that claim 20 of the present application patentably defines over the prior art of record, even if a *prima facie* case of obviousness under 35 U.S.C. §103(a) were to be established based upon the asserted combination of prior art references, which Applicants submit has not been established. For example, in accordance with the present invention, a cable is held firmly and prevented from twisting in the seat arrangement 2 when the closure element 6 closes the seat arrangement 2. It is submitted that Yahraus US Patent No. 4,818,822 does not teach a housing and cover arrangement such as the present invention wherein the closed cover (the closure element 6) cooperates with the housing to firmly grip the cable. Yahraus US Patent No. 4,818,822 is instead directed to a junction box with a sheathed power cable passing through the box and the junction box has a pair of sections 20 that are brought together in abutment to form two side wall and two end walls of the junction box. Even aside from the fact that Yahraus US Patent No. 4,818,822 is directed to a power cable

junction box and, thus, one of skill in the art would not turn to a power cable junction box in seeking an improvement for a ventilator housing, the junction box of Yahraus US Patent No. 4,818,822 does not include a cover or closure element; instead, the pair of sections 20 – each forming a respective side wall and a respective end wall – are fixedly secured to one another and neither section 20 operates as a cover or a closure.

It is therefore respectfully requested that the rejection of claim 28 under 35 U.S.C. §103(a) be withdrawn.

The Rejection of Claim 30 Under 35 U.S.C. §103(a) as Being Unpatentable Over Pettinari EP 0 722 070 In View Of Winkler US Patent Publication No. 2005/0106046 And US Patent No. 6,144,556 to Lanclos As Applied To Claim 29 and Further in View of Yahraus US Patent No. 4,818,822

The Office Action asserts that Pettinari EP 0 722 070, Winkler US 2005/0106046 and US Patent No. 6,144,556 to Lanclos teach all the limitations of claim 29 (from which claim 30 depends) but notes that Pettinari EP 0 722 070 is silent as to how the technical components are secured in the seat arrangement. Nonetheless, according to the Office Action, Winkler US 2005/0106046 teaches a ventilator. Also, according to the Office Action, while none of Pettinari EP 0 722 070, Winkler US 2005/0106046 and US Patent No. 6,144,556 to Lanclos teach a seat arrangement having both retention devices and a mechanism for strain relief of a cable, Yahraus US Patent No. 4,818,822 discloses a seat arrangement having both retention devices and a mechanism for strain relief of a cable. The Office Action thus asserts that it would be obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Pettinari with the seat arrangement taught by Yahraus US Patent No. 4,818,822 in order to secure the technical components, thereby preventing damage to them and to reduce strain on the cable thereby preventing the cable from being inadvertently torn out of the seat arrangement to resist vibration that may cause loose connections.

Claim 30 as currently amended depends from dependent claim 29 and recites that another one of the seat arrangements of the ventilator housing recited in independent claim 24 includes a plurality of retention devices for detachable retention on an outer peripheral surface of said seat arrangement of a plurality of technical

components for operating the ventilator, a seat arrangement housing, a cover element that is movable relative to said seat arrangement housing between an open position and a covering position, fixtures for movably mounting the cover element to the seat arrangement housing such that the cover element remains secured to the seat arrangement housing as the cover element is moved relative to the seat arrangement housing between an open position and a covering position, and a mechanism for strain relief of a cable.

It is submitted that the rejection of claim 30 as being unpatentable over Pettinari EP 0 722 070, Winkler US 2005/0106046, US Patent No. 6,144,556 to Lanclos, and Yahraus US Patent No. 4,818,822 under 35 U.S.C. §103(a) should be withdrawn in view of the absence of a *prima facie* case as noted above of the combination of Pettinari EP 0 722 070, Winkler US Patent Application No. 2005/0106046, and US Patent No. 6,144,556 to Lanclos and in view of the failure of Yahraus US Patent No. 4,818,822 to overcome the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon the other three applied references.

It is also submitted that claim 30 of the present application patentably defines over the prior art of record, even if a *prima facie* case of obviousness under 35 U.S.C. §103(a) were to be established based upon the asserted combination of prior art references, which Applicants submit has not been established. For example, none of Pettinari EP 0 722 070, Winkler US 2005/0106046 and US Patent No. 6,144,556 to Lanclos teach or disclose a mechanism for strain relief of a cable. Additionally, while Yahraus US Patent No. 4,818,822 discloses a cord retaining structure, this cord retaining structure does not comprise the features of the seating arrangement recited in claim 30 of the present application. Yahraus US Patent No. 4,818,822 teaches a junction box with a sheathed power cable passing through the box and the junction box has a pair of sections 20 that are brought together in abutment to form two side wall and two end walls of the junction box. However, this structure does not, in the language of claim 30 of the present application as currently amended, include fixtures for movably mounting the cover element to the seat arrangement housing such that the cover element remains secured to the seat arrangement housing as the cover element is

moved relative to the seat arrangement housing between an open position and a covering position.

It is therefore respectfully requested that the rejection of claim 30 under 35 U.S.C. §103(a) be withdrawn.

The Rejection of Claim 31 Under 35 U.S.C. §103(a) as Being Unpatentable Over Winkler US Patent Publication No. 2005/0106046 And Yahraus US Patent No. 4,818,822

The Office Action asserts that Winkler US 2005/0106046 teaches a ventilator housing. Also, according to the Office Action, while Winkler US 2005/0106046 does not teach a mechanism for strain relief of a cable, Yahraus US Patent No. 4,818,822 discloses a seat arrangement having both retention devices and a mechanism for strain relief of a cable. The Office Action thus asserts that it would be obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Pettinari (sic) with the seat arrangement taught by Yahraus US Patent No. 4,818,822 in order to secure the technical components, thereby preventing damage to them and to reduce strain on the cable thereby preventing the cable from being inadvertently torn out of the seat arrangement to resist vibration that may cause loose connections.

Independent claim 31 as currently amended is directed to a further exemplary embodiment and recites a ventilator housing for installation in an extraction hood and for accommodating at least one ventilator. As recited in claim 31 of the present application, the ventilator housing includes a housing front, a housing back and a sidewall arrangement interconnecting the housing front and the housing back to one another at a spacing from one another as viewed in a depth direction. The ventilator housing forms a channel through which air flows with the ventilator housing having an aperture through which air is drawn into the ventilator housing and another aperture through which air is blown out of the ventilator housing. The ventilator housing also includes at least one seat arrangement, the seat arrangement being isolated from the channel formed by the ventilator housing such that air flowing through the channel does not flow in contact with said seat arrangement and the seat arrangement including a plurality of retention devices for detachable retention on an outer peripheral surface of

the seat arrangement of a plurality of technical components for operating the ventilator. The seat arrangement recited in claim 31 of the present application includes a seat arrangement housing and a cover element that is movable relative to the seat arrangement housing between an open position and a covering position and the seat arrangement includes a mechanism for strain relief of a cable. The seat arrangement recited in claim 31 of the present application also includes fixtures for movably mounting the cover element to the seat arrangement housing such that the cover element remains secured to the seat arrangement housing as the cover element is moved relative to the seat arrangement housing between an open position and a covering position. As further recited in recited in claim 31 of the present application, the mechanism for strain relief of a cable includes a first part on the seat arrangement housing and a second part on the cover element that cooperate together in the covering position of the cover element to engage a cable extending therebetween to resist withdrawal of the cable out of the seat arrangement housing with the first part on the seat arrangement housing continuously applying a radially inward force on the cable relative to an axis of the cable and the second part on the cover element continuously applying a radially inward force on the cable in opposition to the radially inward force applied by the first part on the seat arrangement housing such that the opposed radially inward forces applied on the cable by the first part on the seat arrangement housing and the second part on the cover element resist strain on the cable that may result from an axial movement to withdraw the cable from the seat arrangement housing and resist twisting of the cable that may result from an angular rotational movement of the cable about its axis.

It is submitted that the rejection of claim 31 as being unpatentable over Winkler US 2005/0106046 and Yahraus US Patent No. 4,818,822 under 35 U.S.C. §103(a) should be withdrawn in view of the absence of a *prima facie* case of the combination of Winkler US 2005/0106046 and Yahraus US Patent No. 4,818,822. It is also submitted that claim 31 of the present application patentably defines over the prior art of record, even if a *prima facie* case of obviousness under 35 U.S.C. §103(a) were to be established based upon the asserted combination of prior art references, which Applicants submit has not been established. For example, while Yahraus US Patent

No. 4,818,822 discloses a cord retaining structure, this cord retaining structure does not comprise the features of the seating arrangement recited in claim 31 of the present application. Yahraus US Patent No. 4,818,822 teaches a junction box with a sheathed power cable passing through the box and the junction box has a pair of sections 20 that are brought together in abutment to form two side wall and two end walls of the junction box. However, this structure does not, in the language of claim 31 of the present application as currently amended, include fixtures for movably mounting the cover element to the seat arrangement housing such that the cover element remains secured to the seat arrangement housing as the cover element is moved relative to the seat arrangement housing between an open position and a covering position.

It is therefore respectfully requested that the rejection of claim 31 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 13 - 31 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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